

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-764

Filed: July 15, 2020

\* \* \* \* \*

YOUNG KWAN JUN,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

UNPUBLISHED

Decision Awarding Damages;  
Guillain-Barre Syndrome  
("GBS"); Influenza ("Flu")  
Vaccine

*Gregory Spizer, Esq.*, Anapol Weiss, Philadelphia, PA, for petitioner.

*Voris Johnson, Esq.*, US Department of Justice, Washington, DC, for respondent.

### DECISION AWARDING DAMAGES<sup>1</sup>

**Roth**, Special Master:

On May 22, 2019, Young Kwan Jun ["Mr. Jun or "petitioner"] filed a petition for compensation under the National Vaccine Injury Compensation Program.<sup>2</sup> Petitioner alleges that he developed Guillain-Barre Syndrome ("GBS") after receiving an influenza vaccination on September 30, 2016. Petition ("Pet.") at 1, ECF No. 1.

On May 18, 2020, respondent filed a report pursuant to Vaccine Rule 4(c) conceding that petitioner is entitled to compensation in this matter after alleging the Table Injury of GBS following an influenza vaccination he received on September 30, 2016. Respondent's Report ("Resp. Rpt.") at 1, ECF No. 18.

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<sup>1</sup> Although this Decision has been formally designated "unpublished," it will nevertheless be posted on the Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). **This means the Decision will be available to anyone with access to the internet.** However, the parties may object to the Decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole Decision will be available to the public. *Id.*

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On May 18, 2020, I issued a ruling on entitlement finding that petitioner was entitled to compensation. *See* Ruling on Entitlement, ECF No. 19.

Respondent filed a proffer on July 15, 2020, agreeing to issue the following payment:

**A lump sum of \$80,000 in the form of a check payable to petitioner, Young Kwan Jun.** This amount represents compensation for all damages that would be available under § 300aa-15(a).

I adopt respondent's proffer attached hereto, and award compensation in the amount and on the terms set forth therein. The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/ Mindy Michaels Roth**

Mindy Michaels Roth  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

YOUNG KWAN JUN,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 19-764V (ECF)
	)	Special Master Roth
	)	
SECRETARY OF HEALTH	)	
AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

**RESPONDENT’S PROFFER ON AWARD OF DAMAGES**

On May 18, 2020, respondent, the Secretary of Health and Human Services, filed his Rule 4(c) Report conceding entitlement to compensation in this matter alleging the Table injury Guillain-Barré syndrome (“GBS”) following an influenza vaccination. The same day, the Court entered its Ruling on Entitlement, finding petitioner Young Kwan Jun entitled to Vaccine Act compensation. Respondent now proffers that petitioner receive a compensation award consisting of a lump sum of **\$80,000.00** in the form of a check payable to petitioner, Young Kwan Jun.<sup>1</sup> This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner is entitled.<sup>2</sup>

Petitioner agrees with the proffered award of \$80,000.00.<sup>3</sup>

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<sup>1</sup> Petitioner is a competent adult. No guardianship is required.

<sup>2</sup> Should petitioner die prior to entry of judgment, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering, and the parties reserve the right to move the Court for appropriate relief.

<sup>3</sup> This proffer does not include any award for attorneys’ fees and costs that may be awarded pursuant to 42 U.S.C. § 300aa-15(e).

Respectfully submitted,

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